

## REMARKS

The specification and claims 1-4, 6-20, 22, 25-27, 34, 35, 37-45, 47-50, and 52 have been amended, new claims 53-58 have been added, and claims 36, 46, and 51 have been canceled without prejudice or disclaimer. Claims 1-4, 6-20, 22, 25-27, 34, 35, 37-45, 47-50, and 52-58 are pending, with claims 1, 6, 7, 9, 15, 17, 20, 22, 25, 34, 50, and 52 being independent. Claims 1-4, 6-14, 17-20, 22, 25-27, 34, 35, 37-45, 47-50, and 52 are under consideration as being directed to elected Invention I. New claims 53-58 are directed to elected Invention I. Claims 15 and 16 are withdrawn from consideration as being directed to non-elected Invention II. No new matter is presented in this Amendment.

### Errors in the Office Action Summary

In the Office Action Summary (page 2) of the Office Action of August 6, 2007, item 4 indicates that claims 1-4, 6-14, 17-20, 22, 25-27 and 34-52 are pending in the application, and item 4a does not indicate that any claims are withdrawn from consideration. However, claims 1-4, 6-20, 22, 25-27 and 34-52 were actually pending in the application when the Office Action of August 6, 2007, was issued, with claims 15 and 16 being withdrawn from consideration as being directed to non-elected Invention II. Currently, claims 1-4, 6-20, 22, 25-27, 34, 35, 37-45, 47-50, and 52-58 are pending. Accordingly, it is respectfully requested that the Examiner indicate this in the next Office Action.

### Request for Consideration of References Cited in the Information Disclosure Statement of December 12, 2005

The Office Action of April 5, 2006, includes a copy of the List of References Cited by Applicant from the Information Disclosure Statement of December 12, 2005, with a line drawn through the listing of the European Search Report to indicate that this reference has not been considered. On page 2 of the Office Action of April 5, 2006, the Examiner states "[r]egarding IDS filed 12/12/2005, a search report by itself cannot be considered as prior art." However, it is submitted that the Examiner was required to consider the European Search report regardless of whether it is a prior-art reference pursuant to MPEP 609, which provides as follows on MPEP page 600-141:

Once the minimum requirements of 37 CFR 1.97 and 37 CFR 1.98 are met, the examiner has an obligation to consider the information. There is no requirement that the information must be prior art references in order to be considered by the examiner.

Accordingly, it is respectfully requested that the Examiner provide another copy of the List of References Cited by Applicant from the Information Disclosure Statement of December 12, 2005, marked to indicate that the European Search Report has been considered with the next Office Action.

Also, the Office Action of April 5, 2006, includes a copy of the List of Copending Applications from the Information Disclosure Statement of December 12, 2005, with lines drawn through the listings of U.S. Patent Application Nos. 10/777,900, 10/777,758, and 10/777,668 to indicate that these references have not been considered. Copies of these three references were provided with the Information Disclosure Statement of December 12, 2005. The Office Action of April 5, 2006, does not explain why these three references were not considered. However, it is submitted that the Examiner was required to consider these three references pursuant to MPEP 609 discussed above.

Accordingly, it is respectfully requested that the Examiner provide another copy of the List of Copending Application from the Information Disclosure Statement of December 12, 2005, marked to indicate that U.S. Patent Application Nos. 10/777,900, 10/777,758, and 10/777,668 have been considered with the next Office Action.

#### Claim Rejections Under 35 USC 101

Claims 1-4, 6-14, 25-27, and 34-49 have been rejected under 35 USC 101 as being directed to non-statutory subject matter. The rejection of claims 36 and 46 is moot in view of the cancellation of these claims. The rejection of claims 1-4, 6-14, 25-27, 34, 35, 37-45, and 47-49 is respectfully traversed.

In explaining the rejection, the Examiner states as follows:

**In regard to independent claims 1, 6, 7, 9 (and dependent claims 2-4, 8, 10-14 by virtue of their dependence upon the above cited independent claims), each of said independent claims recite "A data storage medium, comprising:". Said claims do not recite any computer executable instructions**

imparting any functional interoperability, rendering limitations of each said claims as directed to a mere listing of items (e.g. AV data, markup document, etc. contained in a storage medium). As such, said claims are directed to non-statutory subject matter.

**In regard to independent claims 25, 34 (and dependent claims 26-27, 35-49 by virtue of their dependence upon the above cited independent claims),** each of said independent claims recite "*An apparatus to reproduce data... comprising:*". The examiner cannot find any limitations coupling said limitations to said apparatus, rendering the limitations of each said claims as directed to software per se (data structures) which is not tied to any of the technological arts. As such, said claims are directed to non-statutory subject matter.

The examiner's suggestion of adding a limitation of "*a processor*" within each said independent claim would serve to overcome this rejection.

As an initial matter, it is noted that the Examiner has not cited any rule, procedure, or decision in support of the rejection, and it is submitted that 35 USC 101 alone does not provide a sufficient basis for the rejection. Accordingly, should the Examiner repeat the rejection and/or make a similar rejection in the future, it is respectfully requested that the Examiner cite a rule, procedure, or decision in support of the rejection.

In any event, although the applicants do not agree that claims 1-4, 6-14, 25-27, 34, 35, 37-45, and 47-49 are directed to non-statutory subject matter as alleged by the Examiner, claims 1-4, 6-14, 25-27, 34, 35, 37-45, and 47-49 have been extensively amended, and it is submitted that amended claims 1-4, 6-14, 25-27, 34, 35, 37-45, and 47-49 are clearly directed to statutory subject matter under 35 USC 101.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-4, 6-14, 25-27, 34, 35, 37-45, and 47-49 under 35 USC 101 as being directed to non-statutory subject matter be withdrawn.

#### Claim Rejections Under 35 USC 112

Claims 47 and 48 have been rejected under 35 USC 112, second paragraph, for the reasons indicated on page 3 of the Office Action of August 6, 2007. This rejection is respectfully traversed.

Claims 47 and 48 have been amended to eliminate the deficiencies identified by the Examiner, and it is respectfully requested that the rejection of claims 47 and 48 under 35 USC 112, second paragraph, be withdrawn.

#### Claim Rejections Under 35 USC 103

##### Rejection 1

Claims 1-4, 6-14, 17, 18, 20, 22, 25-27, 34-49, 51, and 52 have been rejected under 35 USC 103(a) as being unpatentable over Lamkin et al. (Lamkin '011) ( U.S. Patent Application Publication No. 2002/0088011) in view of Lamkin et al. (Lamkin '344) (U.S. Patent Application Publication No. 2006/0117344) and Berstis et al. (Berstis) (U.S. Patent No. 6,510,458). This rejection is respectfully traversed. The rejection of claims 36, 46, and 51 is moot in view of the cancellation of these claims. The rejection of claims 1-4, 6-14, 17, 18, 20, 22, 25-27, 34, 35, 37-45, 47-49, and 52 is respectfully traversed.

It is submitted that Lamkin '011, Lamkin '344, and Berstis do not disclose or suggest the feature

wherein the mark-up documents comprise:

a plurality of mark-up documents corresponding to different parental levels; and

a start-up mark-up document specifying which one of the plurality of mark-up documents corresponding to different parental levels is to be interpreted by the presentation engine of the reproduction apparatus depending on a parental level set in the reproduction apparatus

now recited in independent claim 1.

FIG. 10 of Berstis shows an HTTP response with a Protocol header and a PICS (Platform for Internet Content Selection)-Label that is returned by a server in response to a request from a client for a document indicating that the document has a rating of n (nudity)=0, s (sex)=0, v (violence)=0 and 1 (should be l) (language)=0 according to the RASC (Recreational Software Advisory Council).rating system shown in FIG. 4 of Berstis. Based on these ratings, the client determines whether or not to display the document based on a parental level set in the client. Although this HTTP response may be considered to be a mark-up document, it is submitted that

Berstis does not disclose or suggest at least "a plurality of mark-up documents corresponding to different parental levels" and "a start-up mark-up document specifying which one of the plurality of mark-up documents corresponding to different parental levels is to be interpreted by the presentation engine of the reproduction apparatus depending on a parental level set in the reproduction apparatus" as recited in claim 1. Nor is it seen where these features of claim 1 are disclosed or suggested by Lamkin '011 and Lamkin '344.

For the same or similar reasons, it is submitted that Lamkin '011, Lamkin '344, and Berstis do not disclose or suggest at least the following features now recited in independent claim 6:

wherein the interactive directory comprises a plurality of sub-directories corresponding to a plurality of different parental levels; and

wherein the mark-up documents comprise a plurality of mark-up documents corresponding to the plurality of different parental levels stored in corresponding ones of the plurality of sub-directories corresponding to the plurality of different parental levels;

or at least the following features now recited in independent claim 7:

wherein the mark-up documents comprise:

a plurality of mark-up documents corresponding to the plurality of different parental levels stored in corresponding ones of the plurality of sub-directories corresponding to the plurality of different parental levels; and

a start-up mark-up document comprising link information identifying locations of the plurality of mark-up documents corresponding to the plurality of different parental levels;

or at least the following feature now recited in independent claim 9:

wherein the mark-up documents comprise a mark-up document comprising, or linked to, display rule information for a plurality of different parental levels specifying whether to display the interactive contents associated with the AV data depending on a parental level set in the reproduction apparatus;

or at least the following features now recited in independent claim 17:

the mark-up documents comprising

a plurality of mark-up documents corresponding to different parental levels, and

a start-up mark-up document specifying which one of the plurality of mark-up documents corresponding to different parental levels is to be interpreted by the presentation engine depending on a parental level set in the reproduction apparatus,

....

reading one of the plurality of mark-up documents corresponding to the different parental levels that the read start-up mark-up document specifies is to be interpreted by the presentation engine for the identified parental level set in the reproduction apparatus;

or at least the following features now recited in independent claim 20:

the interactive directory comprising a plurality of sub-directories corresponding to a plurality of different parental levels,

the mark-up documents comprising

a plurality of mark-up documents corresponding to the plurality of different parental levels stored in corresponding ones of the plurality of sub-directories corresponding to the plurality of different parental levels, and

a start-up mark-up document comprising link information identifying locations of the plurality of mark-up documents corresponding to the plurality of different parental levels,

....

reading one of the plurality of mark-up documents corresponding to the plurality of different parental levels that corresponds to the identified parental level set in the reproduction apparatus from one of the sub-directories corresponding to the plurality of different parental levels that corresponds to the identified parental level set in the reproduction apparatus based on the link information in the read start-up mark-up document;

or at least the following features now recited in independent claim 22:

the mark-up documents comprising a mark-up document comprising display rule information for a plurality of different parental levels,

....

wherein the interpreting comprises:

identifying a value of a predetermined attribute of an element of one of the read mark-up documents; and

determining whether to display the element on the mark-up screen depending on the identified value of the predetermined attribute, the display rule information, and a parental level set in the reproduction apparatus;

or at least the following features now recited in independent claim 25:

the mark-up documents comprising a mark-up document comprising display rule information for a plurality of different parental levels,

....

wherein the presentation engine:

identifies a value of a predetermined attribute of an element of one of the mark-up documents; and

determines whether to display the element on the mark-up screen depending on the value of the predetermined attribute, the display rule information, and a parental level set in the reproduction apparatus;

or at least the following features now recited in independent claim 34:

the mark-up documents comprising a mark-up document comprising instructions corresponding to different parental levels to control display of the interactive contents associated with the AV data depending on a parental level set in the reproduction apparatus,

....

a presentation engine to interpret the mark-up document comprising the instructions corresponding to the different parental levels in the mark-up documents read by the reader to determine whether to display the interactive contents associated with the AV data depending on the parental level set in the reproduction apparatus;

or at least the following features now recited in independent claim 52:

the mark-up documents comprising a mark-up document comprising display rule information for a plurality of different parental levels,

....

identifying a value of a class attribute of an element of one of the read mark-up documents;

interpreting the mark-up document comprising the display rule information for the plurality of different parental levels using the presentation engine of the reproduction apparatus to determine whether to display the element the identified value of the class attribute, the display rule information, and the identified parental level set in the reproduction apparatus; and

interpreting the mark-up documents using the presentation engine of the reproduction apparatus to display the mark-up screen having the AV screen embedded therein based on a result of the determining.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-4, 6-14, 17, 18, 20, 22, 25-27, 34, 35, 37-45, 47-49, and 52 (i.e., claims 1, 6, 7, 9, 17, 20, 22, 25, 34, and 52 discussed above and claims 2-4, 8, 10-14, 18, 20, 22, 26, 27, 35, 37-45, and 47-49 depending from claims 1, 7, 9, 17, 25, and 34) under 35 USC 103(a) as being unpatentable over Lamkin '011 in view of Lamkin '344 and Berstis be withdrawn.

## Rejection 2

Claims 19 and 50 have been rejected under 35 USC 103(a) as being unpatentable over Lamkin '011 in view of Lamkin '344, Berstis, and Kenner et al. (Kenner) (U.S. Patent No. 6,421,726). This rejection is respectfully traversed.

For at least the same or similar reasons discussed above in connection with claim 1, it is submitted that Lamkin '011, Lamkin '344, Berstis, and Kenner do not disclose or suggest the following features now recited in dependent claim 19:

wherein the plurality of mark-up documents comprising to different parental levels comprise a warning mark-up document to display a warning message on the mark-up screen that interactive contents associated with the AV data cannot be displayed; and

wherein when the parental level indicated by the meta-information is higher than the identified parental level set in the reproduction apparatus, the selected one of the plurality of mark-up documents is the warning mark-up document;

or the following features now recited in independent claim 50:

the mark-up documents comprising



a warning mark-up document to display a warning message on the mark-up screen that the interactive contents associated with the AV data cannot be displayed, and

a start-up mark-up document comprising information indicating a parental level of the mark-up documents, and

information identifying a location of the warning mark-up document,

....

interpreting the warning mark-up document in the read mark-up documents with the presentation engine of the presentation engine of the reproduction apparatus based on the information in the start-up mark-up document identifying the location of the warning mark-up document to display the warning message indicating that the interactive contents associated with the AV data cannot be displayed if a result of the comparing indicates that the parental level of the mark-up documents identified by interpreting the start-up mark-up document is higher than the identified parental level set in the reproduction apparatus.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 19 and 50 under 35 USC 103(a) as being unpatentable over Lamkin '011 in view of Lamkin '344, Berstis, and Kenner be withdrawn.

#### Patentability of New Claims 53-58

It is submitted that new dependent claims 53-58 depending from claims 22 and 25 are patentable over Lamkin '011, Lamkin '344 and Berstis for at least the same reasons discussed above that claims 22 and 25 are patentable over Lamkin '011, Lamkin '344 and Berstis.

For at least the foregoing reasons, it is respectfully requested that new claims 53-58 be allowed.

#### Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

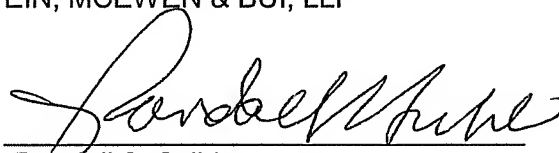
Respectfully submitted,

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11/06/07

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